

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2008-160-C - ORDER NO. 2009-396

JUNE 18, 2009

IN RE: Complaint of dPi Teleconnect, LLC v.)	RULING ON AT&T'S
BellSouth Telecommunications, Inc. d/b/a)	MOTION TO COMPEL
AT&T South Carolina, Regarding BellSouth's)	DISCOVERY AND DPI'S
Failure to Extend Cash Back Promotions to)	MOTION TO STRIKE
dPi)	
)	

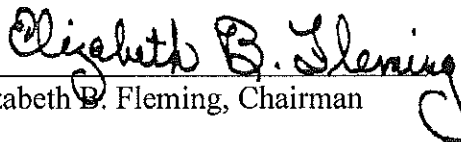
This matter comes before the Public Service Commission of South Carolina ("Commission") on BellSouth Telecommunications, Inc d/b/a AT&T South Carolina's ("AT&T") motion to compel discovery and dPi Teleconnect, LLC's ("dPi") motion to strike a portion of AT&T's laches defense that arguably supports AT&T's request for that discovery. AT&T wants the discovery to attempt to prove its burden that its decision to not offer a promotion to dPi was reasonable and nondiscriminatory. AT&T is arguing that the uses to which dPi has put such promotions may tend to support its contention that failure to offer the promotion does not have discriminatory effects on competition. dPi argues that the requested discovery is irrelevant due to the duties it claims AT&T has to offer it all promotions that are offered to its own customers for more than 90 days.

The Commission is convinced that federal law supports the fact that state commissions may review such questions regarding 90+ day promotions on a promotion-by-promotion basis, therefore the requested discovery could lead to evidence that may be relevant to the case that will be presented at hearing. We therefore grant AT&T's motion


to compel discovery and deny dPi's motion to strike a portion of AT&T's laches defense as moot based on the granting of AT&T's discovery motion.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John E. Howard, Vice Chairman
(SEAL)